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The



World

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NEW YORK, FRIDAY, DECEMBER 6, 1901.

PRICE ONE CENT.

# MOLINEUX TO BE TRIED AGAIN; INDICTMENT NOT QUASHED

## NURSE INDICTED FOR 3 MURDERS.

Jane Toppan Pleads Not Guilty and is Committed to Prison Without Bail—Collapses at Sight of Her Accusers.

BARNSTABLE, Mass., Dec. 6.—The Grand Jury found three indictments for murder against Miss Jane Toppan this afternoon. The accused nurse was brought into court at 3:50 o'clock by Sheriff Percival, accompanied by her counsel.

The prisoner showed signs of extreme nervousness and was on the

point of collapse going from the jail to the court-house.

The sight of several of the witnesses who had testified against her caused her great mental distress. She appeared like one dazed and had to be helped into the court.

She was taken to a seat in the prisoners' row and sank into a chair

as if she was ready to give up the struggle.

She pleaded not guilty to all three charges in a voice hardly audible.

Jane Toppan is charged with having caused the deaths of Miss Mary D. Gibbs, Mrs. Annie E. Gordon and Mr. A. T. Davis.

She was recommitted to jail with out bail.

## VERY LATEST NEWS IN BRIEFEST FORM.

### HORSE DASHES INTO TROLLEY.

A horse attached to a dry-goods wagon took fright late this afternoon, Washington and Lafayette avenues, Brooklyn.

The maddened animal dashed down Washington avenue, and at Fulton street ran head first into car No. 346, of the Fulton street line.

The pole penetrated the car, striking and severely injuring Mrs. Pilemano Chizano, of No. 958 Fulton street. The pole hit her in the back, throwing her against the opposite side.

### THREE CAPTAINS COMPLAINED OF.

Police Capts. Chapman, Churchill and Titus and Acting Capt. Morris were visitors at District-Attorney Philbin's office this afternoon.

Mr. Philbin said that Titus was down on a business matter but that the other three had been sent for in reference to complaints which had been made to him concerning matters in their respective precincts. He would not say what the complaints were.

### MARRIED WOMEN RESPONSIBLE FOR THEIR DEBTS.

The Appellate Division of the Supreme Court decided today that a married woman may be liable for her own debts. Katherine O'Connor, a dressmaker, sued Mrs. Ethelinda M. Spera, who claims her husband is responsible for the debt.

### DROPPED DEAD IN STREET.

Nellie Dahl, forty-five years old, of No. 500 East Seventeenth street, dropped dead in front of No. 159 East Twenty-sixth street at 4:45 P. M. today. The Coroner was notified.

### TRAIN PLUNGES 300 FEET KILLING CREW.

VANCOUVER, B. C., Dec. 6.—Word has just been received here that a train on the main line of the Canadian Pacific Railroad fell into a canyon, a distance of 300 feet.

### LITTLE GIRL PLAYED WITH FIRE AND DIED.

Augusta Deggennero, seven years old, while playing about the kitchen stove of her home, in No. 405 Seventh avenue, was so badly burned that she died in the New York Hospital this afternoon.

### \$21,000,000 IN BONDS PLACED IN ENGLAND.

DETROIT, Mich., Dec. 6.—Joseph B. Moore, of this city, has placed \$21,000,000 of 5 per cent. thirty-year gold bonds in England. This means that the projected Gulf and Manitoba Railroad, from Duluth to Kansas City, a distance of 700 miles, will be constructed.

### LATE RESULTS AT NEW ORLEANS.

Fifth Race—Azim 1, Little Elkin 2, Barbee 3.  
Sixth Race—Watita 1, Waterhouse 2, Jessie Jarboe 3.

## MORGAN ET AL. FOR BANKS IN CHINA.

One in Manila Also Decided On—Exclusive Announcement in Evening World Confirmed.

The exclusive announcement in The Evening World last Tuesday of the intention of Wall street capitalists to establish banks in China was confirmed today.

The Guaranty Trust Company, in the directors of which are the most powerful financial interests in Wall street, will in a short time have branch banks in Manila, P. I., and in Hongkong and Shanghai, China.

A meeting of the company held this afternoon at Nassau and Pine streets. Here are the names of some of the men in the directorate of the company.

George F. Baker, President of the First National Bank, and a representative of J. Pierpont Morgan, August Belmont, E. H. Harriman, Levi P. Morton, Alexander H. Rice, H. H. Rogers, of the Standard Oil Company, H. M. McKim, J. P. Morgan, W. K. Vanderbilt, Frederick W. Vanderbilt and Harry Payne Whitney.

## Judge Newburger Denies Both Motions of the Prisoner's Counsel and Says He Must Again Appear Before Another Judge, for Mrs. Adams's Murder.

Roland B. Molineux's motion to have quashed the indictment under which he stands accused of having murdered Mrs. Kate J. Adams was denied this afternoon by Judge Newburger in Part I. General Sessions. The Judge held that if the Judges of the Court of Appeals had considered the indictment faulty they would have said so, and ordered the liberation of the accused. Instead they ordered a new trial of the defendant under the old indictment.

The alternate motion of Molineux's attorneys asking for an inspection of the Grand Jury minutes was denied on the ground that Judge Blanchard had already ruled adversely on this point.

Had Molineux's motion prevailed he would have walked out of the Tombs a free man. Word of the decision was taken to him in his cell in the Tombs by an Evening World reporter. He displayed no emotion when told he was lost.

"I have no comment to make," was all he would say.

Gen. Molineux was equally impassive. "We are still fighting, and we will never give up hope," he said. District-Attorney Philbin, who was in court when the decision was announced, said: "There will be a new trial for Molineux, but I have no time to carry it on under my administration. I must leave it to my successor. The Patrick case has the right of way with me."

### WHY JUDGE DECIDED AGAINST PRISONER.

In his decision, Justice Newburger said:

"The Court of Appeals having the power, under this section, to direct a final judgment and order the discharge of the defendant or grant a new trial, did, by its order of reversal, direct that a new trial should take place.

"A new trial is a re-examination of the issue in the same court before another judge.

"When a new trial is ordered it shall proceed in all respects as if no trial had been had.

"It is claimed, however, on the part of the defendant, that the opinions of the several Judges of the Court of Appeals upon the question of the admission of certain testimony on the trial, prevented the prosecution from proceeding. If that was the intention of the Court under the power it possessed it would have so declared and directed judgment for the defendant and for his discharge. The opinions of the several Judges were undoubtedly intended as a guide for the trial judge upon the second trial and to prevent the admission of irrelevant or improper testimony upon such trial.

**Rejects Affidavits.**  
"The affidavits of Messrs. Weeks and Carvahon, upon which the motion is based, are a mere recital of the proceedings had herein, and an attempt is also made by such affidavits to regulate the proceedings had before the Grand Jury. I know of no practice that permits a motion to be made for a dismissal of an indictment upon affidavits alleging what did occur or what

might have occurred in the Grand Jury room.

"As to the application for an inspection of the minutes, that branch of the motion has been disposed of adversely by Judge Blanchard on the application made before him by the defendant. No case having been obtained to renew the motion, and no new facts having been stated, it cannot be entertained at this time.

"It therefore follows that the motion herein must be denied."

**How the Question Came Up.**

The question was brought before the court on a motion of Molineux's attorneys to quash the indictment with an alternative motion asking for an inspection of the Grand Jury minutes. This was to develop what steps had been taken by the State in establishing the identity of the man who sent the package of poison to Harry Cornell.

Ex-Gov. Black, for Molineux, argued that inasmuch as the Court of Appeals had decided that all testimony relative to the murder of Harry Cornell was incompetent in the present proceeding the indictment secured principally through the instrumentality of what are called "the Barnett letters" was defective.

Ex-Gov. Hill opposed this, arguing that the Court of Appeals ruling on the Barnett testimony defined its incompetence only in so far as the facts of the death were not pertinent in establishing who was the murderer of Mrs. Adams. He held that the so-called "Barnett letters" were admissible as common law as standards of comparison in handwriting to establish the identity of the person who addressed the poison package to Harry Cornell.

Gov. Hill also set up the rather novel idea that a request for an inspection of the Grand Jury minutes was only

permissible at the preliminary arraignment.

### MOLINEUX SAYS: "NOTHING TO SAY!"

An Evening World reporter sent a note to Molineux in his cell in the Tombs informing him of the decision of Judge Newburger. Molineux sent back word that he was much obliged for the information, but that he had nothing to say.

He was anxiously awaiting news, and it is said that he was greatly disappointed at the outcome of the proceedings to have the indictment annulled. His mother called to see him this morning. She was the only member of his family who called on him to-day.

### GEN. MOLINEUX SAYS "TOO BAD!"

The Evening World gave Gen. E. L. Molineux his first news of the adverse decision by telephone to his office at Fulton and William streets. His first words were:

"Too bad!"

The General had fully expected that the motion of ex-Gov. Black would be decided in favor of the accused man. The fact that it was not affected him deeply.

"It's a bad blow," he said, "but we shall not give up hope. By no means! We'll fight it out to the end. We had all hoped and expected that the indictment would be quashed, as it certainly ought to be. The Judge's refusal will now make us go ahead with plans for the new trial. I shall not see Roland this afternoon. He is strong and brave enough not to worry at this temporary defeat."

"We'll come out all right in the end. And the end is in sight."

## EXPERTS CALLED IN BONINE CASE.

DOCTORS TESTIFY IN THE PRISONER'S BEHALF.

Many Women Present at the Trial for the Murder of Ayers.

Special to The Evening World.

WASHINGTON, Dec. 6.—The first three or four rows of seats reserved for spectators were occupied by women exclusively when the trial of Mrs. Bonine was resumed this morning.

Dr. James Carroll, called as an expert by the defense, concluded his testimony this morning. The important feature of his evidence was the positive assertion that blood existed on the wrapper and on the slipper.

The Carroll testimony is corroborative in almost every respect of the testimony given by Dr. Dunlap, with whom he made the examination of exhibits in the case.

Dr. Carroll was cross-examined by the District Attorney in a searching manner, but the witness adhered to all his original statements. The wrapper was repeatedly displayed this morning.

When Dr. Carroll left the stand at 10:30 Mr. Bonine announced that none of the other physicians called by the defense had been able to appear in court this morning.

Representatives of the Illinois and Jackson and Barnes of Wisconsin, were among the spectators this morning.

**NEW CONVENT IN PASSAIC.**

Plans for Building Filed with County Clerk.

Plans for a new convent to be erected at the rear of St. Nicholas's School, at Jefferson street and Hamilton avenue, Passaic, N. J., have been filed in the County Clerk's office. The building will be of red brick and stone, and will be three stories high.

It is expected that the new convent will be completed by May 1.

## AMMON FORCED TO BACK DOWN.

CONFRONTED WITH AFFIDAVIT HE REPUDIATED.

Yes, He Swore to It, But He Doesn't Remember the Word "Criminal" in It.

Special to The Evening World.

The hearing on a motion to set aside a mortgage of \$15,000, held by Col. Ammon on the costly furniture of Alfred H. Goslin, was continued today before Edward G. Whitaker as referee.

The matter of an affidavit sworn to by Col. Ammon on October 1, was at once taken up. Col. Ammon had charged that a copy of the affidavit had been tampered with after it had been served on Goslin's lawyers, and that the word "criminal" had been inserted in one place. Hot and angry words were exchanged over this between opposing counsel and principals at the last hearing.

Today the original affidavit, as filed in the County Clerk's office, was produced, and the word "criminal" was there.

"Did you swear to that?" was asked.

"Yes, but I never noticed the word 'criminal' in the affidavit when I swore to it," replied Ammon.

**WEATHER FORECAST.**

Forecast for the thirty-six hours ending 8 P. M. Saturday, Dec. 7, for New York City and vicinity: Fair and continued cold tonight; Saturday increasing cloudiness, light north winds becoming variable.

## 65 POISONED AT A WEDDING FEAST.

DRUG IN THE COFFEE DRANK BY THE GUESTS.

Physicians Called from Other Towns to Attend Victims at West Point, Wis.

Special to The Evening World.

SIXTY-FIVE persons were poisoned at a wedding feast at the home of John Mulky at West Point, near this place. It is believed there was poison in the coffee.

Physicians were summoned from Lodi, and after several hours' work have been given that all would recover. Some of the victims have been sent to a clinic to be examined.

**TRAIN FALLS 300 FEET IN CANYON.**

PLUNGES DOWNWARD, CARRYING ITS CREW.

Frightful Accident Reported to Have Taken Place on the Canadian Pacific.

VANCOUVER, B. C., Dec. 6.—Word has just been received here that a train on the main line of the Canadian Pacific Railroad today fell into a canyon, a distance of 300 feet and was splintered to matchwood.

The train crew was killed.

## FIGHT OVER BRIDGE PLAN.

Vigorous Opposition Made Before the Board of Estimate.

The Board of Estimate had an unusually long and important meeting this morning. Most of the time was taken up by arguments from citizens favoring and opposing the plans of the expert engineers for a further system of the roads in Manhattan which would connect the old bridge with the new ones.

The men who opposed the plans in general were Herman Ridder, former Mayor Charles A. Schieren of Brooklyn and Congressman Israel F. Fisher of Brooklyn.

Bridge Commissioner John L. Shea started the discussion by introducing various representatives of Brooklyn Boards of Trade and other Brooklyn organizations.

As soon as the resolutions had been handed in Herman Ridder began a vigorous speech in opposition.

"How nice it will be," he said, "to have more elevated roads and cars pouring out their crowds at the entrance of the bridge. That will relieve the crush, won't it? An elevated up Centre street will help the crush from below the bridge, and any one who thinks this is going to help should go home and consult his wife."

Former Mayor Schieren, of Brooklyn, said the new elevated road as planned was not needed, because when the tunnel and bridge No. 3 are completed traffic will be diverted.

Col. Prout, the chairman of the Board of Experts which drew the plans, made a full explanation of them.

"There is no other terminal in the world," he said, "that handles more than 100,000 cars of this traffic. We handle 100,000 a year, while the next largest, the Liverpool street station in London, only handles 10,000. This means that we have to handle on one acre in one hour, 50,000 people or two people on a square foot in the same time."

The last speaker was General Appraiser Israel F. Fisher, of Brooklyn, who opposed the plans.

The Board took no action on the matter.

## MOTHER'S SAD TALE MOVED ALL HEARTS

SENT LITTLE GIRL OUT INTO THE COLD TO BEG.

Taken to Court, She Told Story of Pitiful Destitution, and a Fund Was Raised.

When Mrs. Julia Voht, of No. 50 West Fifty-third street, confessed in the West Side Court today that she had sent her miserably clad nine-year-old daughter Lizzie out into the bitter cold to beg, she told such a pitiful story that court clerks, policemen, witnesses, attendants and lawyers clubbed together and raised a fund which will, for a time at least, stand between the Voht family and utter destitution.

Agent Frances, of the Gerry Society, found the child last night shivering on the doorstep of his home, No. 162 Amsterdam avenue. He took her to the West Sixty-eighth street station.

"I never sent her out to beg before," said Mrs. Voht in court today, tears streaming from her eyes. "But her father is sick and I have a month-old

boy baby to take care of. There is not a piece of coal in the house and no food.

"We had to have something, and badly as I hated to do it, I sent Lizzie out to beg."

Gerry officers said they had investigated the case and endorsed the woman's story.

Magistrate Meade discharged the girl, and mother and child left the courtroom with tears of gratitude in their eyes.

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**Lecture of Henry D. Lloyd.**

Mr. Henry D. Lloyd will talk to-night at the Cooper Union on "Newer England." Mr. Lloyd is widely known as a close student of industrial conditions and sociological problems, having visited almost every section of the globe in his investigations. He spent months in New Zealand, deceiving himself especially to the advanced labor laws which have since made that country famous.

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